

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1142

AN ACT

AMENDING SECTION 38-881, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 335, SECTION 8; AMENDING SECTION 38-881, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 324, SECTION 1; AMENDING SECTIONS 38-893 AND 38-902, ARIZONA REVISED STATUTES; RELATING TO THE CORRECTIONS OFFICER RETIREMENT PLAN; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-881, Arizona Revised Statutes, as amended by
3 Laws 2002, chapter 335, section 8, is amended to read:

4 38-881. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Accidental disability" means a physical or mental condition that
7 the local board finds totally and permanently prevents an employee from
8 performing a reasonable range of duties within the employee's department, was
9 incurred in the performance of the employee's duties and was the result of
10 any of the following:

11 (a) Physical contact with inmates, prisoners, parolees or persons on
12 probation.

13 (b) Responding to a confrontational situation with inmates, prisoners,
14 parolees or persons on probation.

15 (c) A job related motor vehicle accident while on official business
16 for the employee's employer. A job related motor vehicle accident does not
17 include an accident that occurs on the way to or from work. Persons found
18 guilty of violating a personnel rule, a rule established by the employee's
19 employer or a state or federal law in connection with a job related motor
20 vehicle accident do not meet the conditions for accidental disability.

21 2. "Accumulated member contributions" means the sum of all member
22 contributions deducted from a member's salary and paid to the fund, plus
23 member contributions transferred to the fund by another retirement plan
24 covering public employees of this state, plus previously withdrawn
25 accumulated member contributions which are repaid to the fund in accordance
26 with this article, minus any benefits paid to or on behalf of a member.

27 3. "Average monthly salary" means one-thirty-sixth of the aggregate
28 amount of salary paid a member by a participating employer during a period of
29 thirty-six consecutive months of service in which the member received the
30 highest salary within the last one hundred twenty months of service. Average
31 monthly salary means the aggregate amount of compensation paid a member
32 divided by the member's months of service if the member has less than
33 thirty-six months of service. In the computation under this paragraph, a
34 period of nonpaid or partially paid industrial leave shall be considered
35 based on the salary the employee would have received in the employee's job
36 classification if the employee was not on industrial leave.

37 4. "Beneficiary" means an individual who is being paid or who has
38 entitlement to the future payment of a pension on account of a reason other
39 than the individual's membership in the retirement plan.

40 5. "Claimant" means a member, beneficiary or estate that files an
41 application for benefits with the retirement plan.

42 6. "Credited service" means credited service transferred to the
43 retirement plan from another retirement system or plan for public employees
44 of this state, plus those compensated periods of service as a member of the
45 retirement plan for which member contributions are on deposit in the fund.

- 1 7. "Designated position" means:
2 (a) For a county:
3 (i) A county detention officer.
4 (ii) A nonuniformed employee of a sheriff's department whose primary
5 duties require direct contact with inmates.
6 (b) For the state department of corrections and the department of
7 juvenile corrections, only the following specifically designated positions:
8 (i) Food service.
9 (ii) Nursing personnel.
10 (iii) Corrections physician assistant.
11 (iv) Therapist.
12 (v) Corrections dental assistant.
13 (vi) Hygienist.
14 (vii) Corrections medical assistant.
15 (viii) Correctional service officer, including assistant deputy
16 warden, deputy warden, warden and superintendent.
17 (ix) State correctional program officer.
18 (x) Parole or community supervision officers.
19 (xi) Investigators.
20 (xii) Teachers.
21 (xiii) Institutional maintenance workers.
22 (xiv) Youth corrections officer.
23 (xv) Youth program officer.
24 (xvi) Behavioral health treatment unit managers.
25 (xvii) The director and assistant directors of the department of
26 juvenile corrections and the superintendent of the state educational system
27 for committed youth.
28 (xviii) The director, deputy directors and assistant directors of the
29 state department of corrections.
30 (xix) Other positions designated by the local board of the state
31 department of corrections or the local board of the department of juvenile
32 corrections pursuant to section 38-891, subsection E.
33 (c) For a city or town, a city or town detention officer.
34 (d) For an employer of an eligible group as defined in section 38-842,
35 full-time dispatchers.
36 (e) FOR THE JUDICIARY, PROBATION, SURVEILLANCE AND JUVENILE DETENTION
37 OFFICERS.
38 8. "Employee" means a person determined by the local board to be
39 employed by a participating employer in a designated position.
40 9. "Employer" means an agency or department of this state or a
41 political subdivision of this state which has one or more employees in a
42 designated position.
43 10. "Fund" means the corrections officer retirement plan fund.
44 11. "Fund manager" means the fund manager of the public safety
45 personnel retirement system.

1 12. "JUVENILE DETENTION OFFICER" MEANS A JUVENILE DETENTION OFFICER
2 RESPONSIBLE FOR THE DIRECT CUSTODIAL SUPERVISION OF JUVENILES WHO ARE
3 DETAINED IN A COUNTY JUVENILE DETENTION CENTER.

4 ~~12.~~ 13. "Local board" means the retirement board of the employer that
5 consists of persons appointed or elected to administer the plan as it applies
6 to the employer's members in the plan.

7 ~~13.~~ 14. "Member" means any employee who meets all of the following
8 qualifications:

9 (a) Who is a full-time paid person employed by a participating
10 employer in a designated position.

11 (b) Who is receiving salary for personal services rendered to a
12 participating employer or would be receiving salary except for an authorized
13 leave of absence.

14 (c) Whose customary employment is at least forty hours each week and
15 for more than six months in a calendar year.

16 ~~14.~~ 15. "Normal retirement date" means the first day of the calendar
17 month immediately following an employee's completion of twenty years of
18 service or, in the case of a dispatcher, twenty-five years of service, the
19 employee's sixty-second birthday and completion of ten years of service or
20 the month in which the sum of the employee's age and years of credited
21 service equals eighty.

22 ~~15.~~ 16. "Participating employer" means an employer which the fund
23 manager has determined to have one or more employees in a designated position
24 or a county, city or town which has entered into a joinder agreement pursuant
25 to section 38-902.

26 ~~16.~~ 17. "Pension" means a series of monthly payments by the retirement
27 plan.

28 ~~17.~~ 18. "Retired member" means an individual who is being paid a
29 pension on account of the individual's membership in the retirement plan.

30 ~~18.~~ 19. "Retirement" means termination of employment after a member
31 has fulfilled all requirements for a pension.

32 ~~19.~~ 20. "Retirement plan" or "plan" means the corrections officer
33 retirement plan established by this article.

34 ~~20.~~ 21. "Salary" means the base salary or base wages, shift
35 differential pay and holiday pay paid a member in a designated position for
36 personal services rendered to a participating employer on a regular monthly,
37 semimonthly or biweekly payroll basis. Salary includes amounts that are
38 subject to deferred compensation or tax shelter agreements. Salary does not
39 include any remuneration or reimbursement other than as prescribed by this
40 paragraph.

41 ~~21.~~ 22. "Service" means employment rendered to a participating
42 employer as an employee in a designated position. Any absence that is
43 authorized by an employer, including any periods during which the employee is
44 on an employer sponsored long-term disability program, is considered as

1 service if the employee returns or is deemed by the employer to have returned
2 to a designated position within the period of the authorized absence.

3 ~~22-~~ 23. "Total and permanent disability" means a physical or mental
4 condition that is not an accidental disability, that the local board finds
5 totally and permanently prevents a member from engaging in any gainful
6 employment and that is the direct and proximate result of the member's
7 performance of the member's duty as an employee of a participating employer.

8 Sec. 2. Section 38-881, Arizona Revised Statutes, as amended by Laws
9 2005, chapter 324, section 1, is amended to read:

10 38-881. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Accidental disability" means a physical or mental condition that
13 the local board finds totally and permanently prevents an employee from
14 performing a reasonable range of duties within the employee's department, was
15 incurred in the performance of the employee's duties and was the result of
16 any of the following:

17 (a) Physical contact with inmates, prisoners, parolees or persons on
18 probation.

19 (b) Responding to a confrontational situation with inmates, prisoners,
20 parolees or persons on probation.

21 (c) A job related motor vehicle accident while on official business
22 for the employee's employer. A job related motor vehicle accident does not
23 include an accident that occurs on the way to or from work. Persons found
24 guilty of violating a personnel rule, a rule established by the employee's
25 employer or a state or federal law in connection with a job related motor
26 vehicle accident do not meet the conditions for accidental disability.

27 2. "Accumulated member contributions" means the sum of all member
28 contributions deducted from a member's salary and paid to the fund, plus
29 member contributions transferred to the fund by another retirement plan
30 covering public employees of this state, plus previously withdrawn
31 accumulated member contributions which are repaid to the fund in accordance
32 with this article, minus any benefits paid to or on behalf of a member.

33 3. "Average monthly salary" means one-thirty-sixth of the aggregate
34 amount of salary paid a member by a participating employer during a period of
35 thirty-six consecutive months of service in which the member received the
36 highest salary within the last one hundred twenty months of service. Average
37 monthly salary means the aggregate amount of compensation paid a member
38 divided by the member's months of service if the member has less than
39 thirty-six months of service. In the computation under this paragraph, a
40 period of nonpaid or partially paid industrial leave shall be considered
41 based on the salary the employee would have received in the employee's job
42 classification if the employee was not on industrial leave.

43 4. "Beneficiary" means an individual who is being paid or who has
44 entitlement to the future payment of a pension on account of a reason other
45 than the individual's membership in the retirement plan.

1 5. "Claimant" means a member, beneficiary or estate that files an
2 application for benefits with the retirement plan.

3 6. "Credited service" means credited service transferred to the
4 retirement plan from another retirement system or plan for public employees
5 of this state, plus those compensated periods of service as a member of the
6 retirement plan for which member contributions are on deposit in the fund.

7 7. "Designated position" means:

8 (a) For a county:

9 (i) A county detention officer.

10 (ii) A nonuniformed employee of a sheriff's department whose primary
11 duties require direct contact with inmates.

12 (b) For the state department of corrections and the department of
13 juvenile corrections, only the following specifically designated positions:

14 (i) Food service.

15 (ii) Nursing personnel.

16 (iii) Corrections physician assistant.

17 (iv) Therapist.

18 (v) Corrections dental assistant.

19 (vi) Hygienist.

20 (vii) Corrections medical assistant.

21 (viii) Correctional service officer, including assistant deputy
22 warden, deputy warden, warden and superintendent.

23 (ix) State correctional program officer.

24 (x) Parole or community supervision officers.

25 (xi) Investigators.

26 (xii) Teachers.

27 (xiii) Institutional maintenance workers.

28 (xiv) Youth corrections officer.

29 (xv) Youth program officer.

30 (xvi) Behavioral health treatment unit managers.

31 (xvii) The director and assistant directors of the department of
32 juvenile corrections and the superintendent of the state educational system
33 for committed youth.

34 (xviii) The director, deputy directors and assistant directors of the
35 state department of corrections.

36 (xix) Other positions designated by the local board of the state
37 department of corrections or the local board of the department of juvenile
38 corrections pursuant to section 38-891, subsection E.

39 (c) For a city or town, a city or town detention officer.

40 (d) For an employer of an eligible group as defined in section 38-842,
41 full-time dispatchers.

42 (e) FOR THE JUDICIARY, PROBATION, SURVEILLANCE AND JUVENILE DETENTION
43 OFFICERS.

44 8. "Employee" means a person determined by the local board to be
45 employed by a participating employer in a designated position.

1 9. "Employer" means an agency or department of this state or a
2 political subdivision of this state which has one or more employees in a
3 designated position.

4 10. "Fund" means the corrections officer retirement plan fund.

5 11. "Fund manager" means the fund manager of the public safety
6 personnel retirement system.

7 12. "JUVENILE DETENTION OFFICER" MEANS A DETENTION OFFICER RESPONSIBLE
8 FOR THE DIRECT CUSTODIAL SUPERVISION OF JUVENILES WHO ARE DETAINED IN A
9 COUNTY JUVENILE DETENTION CENTER.

10 ~~12.~~ 13. "Local board" means the retirement board of the employer that
11 consists of persons appointed or elected to administer the plan as it applies
12 to the employer's members in the plan.

13 ~~13.~~ 14. "Member" means any employee who meets all of the following
14 qualifications:

15 (a) Who is a full-time paid person employed by a participating
16 employer in a designated position.

17 (b) Who is receiving salary for personal services rendered to a
18 participating employer or would be receiving salary except for an authorized
19 leave of absence.

20 (c) Whose customary employment is at least forty hours each week and
21 for more than six months in a calendar year.

22 ~~14.~~ 15. "Normal retirement date" means the first day of the calendar
23 month immediately following an employee's completion of twenty years of
24 service or, in the case of a dispatcher, twenty-five years of service, the
25 employee's sixty-second birthday and completion of ten years of service or
26 the month in which the sum of the employee's age and years of credited
27 service equals eighty.

28 ~~15.~~ 16. "Participating employer" means an employer which the fund
29 manager has determined to have one or more employees in a designated position
30 or a county, city or town which has entered into a joinder agreement pursuant
31 to section 38-902.

32 ~~16.~~ 17. "Pension" means a series of monthly payments by the retirement
33 plan.

34 ~~17.~~ 18. "Retired member" means an individual who is being paid a
35 pension on account of the individual's membership in the retirement plan.

36 ~~18.~~ 19. "Retirement" means termination of employment after a member
37 has fulfilled all requirements for a pension.

38 ~~19.~~ 20. "Retirement plan" or "plan" means the corrections officer
39 retirement plan established by this article.

40 ~~20.~~ 21. "Salary" means the base salary or base wages, overtime pay,
41 shift differential pay and holiday pay paid a member in a designated position
42 for personal services rendered to a participating employer on a regular
43 monthly, semimonthly or biweekly payroll basis, except that for the purposes
44 of this paragraph the amount of overtime included shall not include payments
45 to the member for the sale of compensatory time. Salary includes amounts

1 that are subject to deferred compensation or tax shelter agreements. Salary
2 does not include any remuneration or reimbursement other than as prescribed
3 by this paragraph.

4 ~~21-~~ 22. "Service" means employment rendered to a participating
5 employer as an employee in a designated position. Any absence that is
6 authorized by an employer, including any periods during which the employee is
7 on an employer sponsored long-term disability program, is considered as
8 service if the employee returns or is deemed by the employer to have returned
9 to a designated position within the period of the authorized absence.

10 ~~22-~~ 23. "Total and permanent disability" means a physical or mental
11 condition that is not an accidental disability, that the local board finds
12 totally and permanently prevents a member from engaging in any gainful
13 employment and that is the direct and proximate result of the member's
14 performance of the member's duty as an employee of a participating employer.

15 Sec. 3. Section 38-893, Arizona Revised Statutes, is amended to read:

16 38-893. Local boards; powers and duties; rules; hearings;
17 administrative review

18 A. The administration of the plan and the responsibility for making
19 the provisions of the plan effective for each employer are vested in a local
20 board. The state department of corrections, the department of juvenile
21 corrections, each participating county sheriff's department, each
22 participating city or town, ~~and~~ each participating employer of full-time
23 dispatchers for eligible groups as defined in section 38-842 **AND THE**
24 **JUDICIARY** shall have a local board. Each local board is constituted as
25 follows:

26 1. For the state departments, two members who are elected by secret
27 ballot by members employed by that department in a designated position and
28 two citizens who are appointed by the governor. The director of each state
29 department shall appoint one member to the local board who is knowledgeable
30 in personnel actions. Each state department local board shall elect a
31 chairman.

32 2. For each participating county, the chairman of the board of
33 supervisors, or the chairman's designee who is approved by the board of
34 supervisors, as chairman, two members who are elected by secret ballot by
35 members employed by the participating county in a designated position and two
36 citizens, one of whom shall be the head of the merit system if it exists for
37 the group of members, who are appointed by the chairman of the board of
38 supervisors with the approval of the board of supervisors.

39 3. For political subdivisions, the mayor or chief elected official or
40 a designee of the mayor or chief elected official approved by the respective
41 governing body as chairman, two members elected by secret ballot by members
42 employed by the appropriate employer and two citizens, one of whom shall be
43 the head of the merit system if it exists for the group of members, appointed
44 by the mayor or chief elected official and with the approval of the city
45 council or governing body of the employer.

1 4. FOR THE JUDICIARY, TWO MEMBERS WHO ARE ELECTED BY SECRET BALLOT BY
2 MEMBERS WHO ARE EMPLOYED AS A PROBATION, SURVEILLANCE OR JUVENILE DETENTION
3 OFFICER, ONE DESIGNEE OF THE CHIEF JUSTICE OF THE ARIZONA SUPREME COURT AND
4 TWO CITIZENS, ONE OF WHOM SHALL BE THE HEAD OF A HUMAN RESOURCE DEPARTMENT
5 FOR THE GROUP OF MEMBERS, APPOINTED BY THE CHIEF JUSTICE.

6 B. The appointments and elections of local board members shall take
7 place with one elective and one appointive board member, as designated by the
8 appointing authority, serving a term ending two years after the date of
9 appointment or election and the other local board members serving a term
10 ending four years after the date of appointment or election. Thereafter,
11 every second year, and as a vacancy occurs, an office shall be filled for a
12 term of four years in the same manner as provided in this section.

13 C. Within ten days after the member's appointment or election, each
14 member of a local board shall take an oath of office that, so far as it
15 devolves on the member, the member shall diligently and honestly administer
16 the affairs of the local board and shall not knowingly violate or willingly
17 permit to be violated any of the provisions of law applicable to the plan.

18 D. Except as limited by subsection E OF THIS SECTION, a local board
19 shall:

20 1. Decide all questions of eligibility and service credits and
21 determine the amount, manner and time of payment of any benefit under the
22 plan.

23 2. Make a determination as to the right of a claimant to a benefit and
24 afford a claimant or the fund manager, or both, a right to a rehearing on the
25 original determination.

26 3. Request and receive from the employers and from members information
27 as is necessary for the proper administration of the plan and action on
28 claims for benefits and forward the information to the fund manager.

29 4. Distribute, in the manner the local board determines to be
30 appropriate, information explaining the plan which THAT is received from the
31 fund manager.

32 5. Furnish the employer, the fund manager and the legislature, on
33 request, with annual reports with respect to the administration of the plan
34 that are reasonable and appropriate.

35 6. Appoint a medical board, which is composed of a designated
36 physician or clinic other than the employer's regular employee or
37 contractor. If required, the local board may employ other physicians to
38 report on special cases. The examining physician or clinic shall report the
39 results of examinations made to the local board, and the secretary of the
40 local board shall preserve the report as a permanent record.

41 7. Sue and be sued to effectuate the duties and responsibilities set
42 forth in this article.

43 E. A local board has no power to add to, subtract from, modify or
44 waive any of the terms of the plan, change or add to any benefits provided by

1 the plan or waive or fail to apply any requirement of eligibility for
2 membership or benefits under the plan.

3 F. A local board, from time to time, shall establish and adopt rules
4 as it deems necessary or desirable for its administration. All rules and
5 decisions of a local board shall be uniformly and consistently applied to all
6 members in similar circumstances.

7 G. An action by a majority vote of the members of a local board ~~which~~
8 **THAT** is not inconsistent with the provisions of the plan is final, conclusive
9 and binding on all persons affected by it, unless a timely application for a
10 rehearing or appeal is filed as provided in this article.

11 H. A claimant or the fund manager may apply for a rehearing before the
12 local board within the time period prescribed in this subsection. A claimant
13 or the fund manager shall file an application for rehearing in writing with a
14 member of the local board or its secretary within sixty days after:

15 1. The claimant receives notification of the local board's original
16 action by certified mail, by attending the meeting at which the action is
17 taken or by receiving benefits from the plan pursuant to the local board's
18 original action, whichever occurs first.

19 2. The fund manager receives notification of the local board's
20 original action by certified mail or by receipt of written directions from
21 the local board pursuant to its original action, whichever occurs first.

22 I. A hearing before a local board on a matter remanded from the
23 superior court is not subject to a rehearing before the local board.

24 J. Decisions of local boards are subject to judicial review pursuant
25 to title 12, chapter 7, article 6.

26 K. When making a ruling, determination or calculation, the local board
27 is entitled to rely on information furnished by the employer, the fund
28 manager, independent legal counsel or the actuary for the plan.

29 L. Each member of a local board is entitled to one vote. A majority
30 of the appointed and elected members is necessary for a decision by the
31 members of a local board at any meeting of the local board.

32 M. The local board shall adopt bylaws as it deems necessary. The
33 local board shall elect a secretary who may, but need not, be a member of the
34 local board. The secretary of the local board shall keep a record and
35 prepare minutes of all meetings, forward the minutes to the fund manager
36 within forty-five days after each meeting and forward all necessary
37 communications to the fund manager.

38 N. The employer shall pay the fees of the medical board and of the
39 local board's legal counsel and all other expenses of the local board
40 necessary for the administration of the plan at rates and in amounts as the
41 local board approves.

42 O. The local board shall issue directions to the fund manager
43 concerning all benefits ~~which~~ **THAT** are to be paid from the employer's
44 account pursuant to the provisions of the fund. The local board shall keep

1 on file, in the manner it deems convenient and proper, all reports from the
2 fund manager and the actuary.

3 P. The local board and the individual members of the local board are
4 indemnified from the assets of the fund against any liability arising by
5 reason of any act, or failure to act, made in good faith pursuant to the
6 provisions of the plan.

7 Sec. 4. Section 38-902, Arizona Revised Statutes, is amended to read:
8 38-902. Joinder agreement

9 A. County detention officers and nonuniformed employees of a sheriff's
10 department whose primary duties require direct contact with inmates may
11 participate in this plan if the board of supervisors of the county enters
12 into a joinder agreement with the fund manager to bring such employees into
13 this plan. The joinder agreement shall be in accordance with the provisions
14 of this plan. All such employees shall be designated for membership in the
15 joinder agreement unless written consent to the contrary is obtained from the
16 fund manager.

17 B. City or town detention officers may participate in this plan if the
18 governing body of the city or town enters into a joinder agreement with the
19 fund manager to bring its detention officers into this plan. The joinder
20 agreement shall be in accordance with the provisions of the plan. The
21 governing body of the city or town shall designate all detention officers for
22 membership in the plan unless written consent to the contrary is obtained
23 from the fund manager.

24 C. Full-time dispatchers may participate in this plan if the governing
25 body or agency of the employer of an eligible group as defined in section
26 38-842 enters into a joinder agreement with the fund manager to bring its
27 full-time dispatchers into this plan. The joinder agreement shall be in
28 accordance with the provisions of this plan. The governing body or agency of
29 the employer shall designate all full-time dispatchers for membership in the
30 plan unless written consent to the contrary is obtained from the fund
31 manager.

32 D. PROBATION, SURVEILLANCE AND JUVENILE DETENTION OFFICERS MAY
33 PARTICIPATE IN THIS PLAN IF THE ADMINISTRATIVE OFFICE OF THE COURTS ENTERS
34 INTO A JOINDER AGREEMENT WITH THE FUND MANAGER TO BRING ITS PROBATION,
35 SURVEILLANCE AND DETENTION OFFICERS INTO THIS PLAN. THE JOINDER AGREEMENT
36 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS PLAN. THE JUDICIARY SHALL
37 DESIGNATE ALL PROBATION, SURVEILLANCE AND DETENTION OFFICERS FOR MEMBERSHIP
38 IN THIS PLAN UNLESS WRITTEN CONSENT TO THE CONTRARY IS OBTAINED FROM THE FUND
39 MANAGER.

40 ~~D.~~ E. The new employer shall designate the groups of employees who are
41 eligible to participate in the plan and shall agree to make contributions
42 each year that are sufficient to meet both the normal cost of a level cost
43 method attributable to inclusion of its employees and the prescribed interest
44 on the past service cost for its employees.

1 ~~E.~~ F. Before the execution of any joinder agreement each employer
2 contemplating participation in the plan shall have an actuarial valuation
3 made, which is payable by the employer, to determine the estimated cost of
4 participation in accordance with section 38-894.

5 ~~F.~~ G. Assets under any existing public employee defined benefit
6 retirement program, except a military retirement program, that are necessary
7 to equal the actuarial present value of projected benefits attributable to
8 the employer's designated employee group, calculated using the actuarial
9 methods and assumptions adopted by the existing public employee retirement
10 program, shall be transferred from the program to this fund no later than
11 sixty days after the employer's effective date. That portion of the
12 transferred assets that is attributable to employee contributions, including
13 interest credits, shall be properly allocated to each affected employee of
14 the employer and credited to the employee's initial accumulated contributions
15 in accordance with a schedule furnished by the employer to the fund manager.

16 Sec. 5. Joinder agreement; transfer of all credited service to
17 corrections officer retirement plan; election to
18 remain in existing retirement system

19 Notwithstanding any other law, if the administrative office of the
20 courts enters into a joinder agreement with the fund manager to bring its
21 probation, surveillance and detention officers into the corrections officer
22 retirement plan, all credited service from any other Arizona defined benefit
23 state retirement system or plan shall be transferred to the corrections
24 officer retirement plan unless the probation, surveillance or detention
25 officer makes an irrevocable election to remain in the employee's existing
26 state retirement system or plan.

27 Sec. 6. Conditional enactment

28 Section 38-881, Arizona Revised Statutes, as amended by Laws 2005,
29 chapter 324, section 1 and section 2 of this act, becomes effective on the
30 date prescribed in Laws 2005, chapter 324, section 2 but only on the
31 occurrence of the condition prescribed by Laws 2005, chapter 324, section 2.